

NOTICE OF PUBLICATION OF PROPOSED
LOCAL RULE, REQUEST FOR PUBLIC
COMMENT, AND REQUEST FOR SUPREME
COURT APPROVAL CONCERNING

CASELOAD ALLOCATION PLAN

Notice is hereby given that the Superior Courts of Lake County and the Lake Circuit Court have proposed the adoption of a caseload allocation plan pursuant to AR 1 (E).

Comment from members of the bar and public are requested, and should be sent to Martin Goldman, Court Administrator, 2293 N. Main St., Crown Point, IN 46307.

Comments by the bar and public will be received until July 1, 2008. The proposed rules will be adopted, modified, or rejected by July 31, 2008.

The effective date of the new caseload allocation plan, if approved by the Supreme Court, shall be January 1, 2009.

IN THE MATTER OF THE)
)
2009 CASELOAD ALLOCATION PLAN)
)
FOR THE LAKE COUNTY)
)
SUPERIOR AND CIRCUIT COURTS)

The judges of the trial courts of record in Lake County, Indiana, hereby request approval of 2009 Caseload Allocation Plan for the Lake County Superior and Circuit Courts.

The Superior and Circuit Court Senior Judges began meeting in April 2008 to analyze the three full quarters of caseload data available since the last Lake County Caseload Plan went into effect in May 2007. The Senior Judges reviewed the 3rd and 4th quarters of 2007 and the 1st quarter data from 2008. From this data, it was determined that the Superior and Circuit Courts utilization figures, using the number of officers assigned to the courts prior to the adoption of the 2007 Caseload Plan, ranged from .48 in Civil Division Room 5 to 1.83 in County Division Room 2. The Senior Judges then met with the Judges of their respective divisions to address this disparity and brought their suggestions to a General Judges' meeting on May 16, 2008. The Superior and Circuit Courts approved the Plan on May 16, 2008.

The goals of the Court for the creation of this Caseload Allocation Plan were to 1) address the caseload disparities in the court to meet the requirements of Administrative

Rule 1 and 2) equalize the caseload within each division of the Superior Court. We believe that with this Plan, both goals have been achieved.

II. Judicial Reallocation

To comply with the requirement that the utilization variance between all courts of record in Lake County not exceed forty (40) percentage points, the Court has adopted the modifications set forth in Table 1. This table reflects the assignment of judicial officers prior to the adoption of the 2007 Caseload Plan and the number of judicial officers assigned under the proposed Caseload Allocation Plan.

TABLE 1		
COURT	JUDICIAL OFFICERS CURRENTLY ASSIGNED	JUDICIAL OFFICERS ASSIGNED UNDER 2009 PLAN
Criminal Division 1 G01	1.5	1.25
Criminal Division 2 G02	1.5	1.25
Criminal Division 3 G03	1.5	1.25
Criminal Division 4 G04	1.5	1.25
Circuit Court C01	3.7	3.7
Civil Division 1 D01	1.2	1.2
Civil Division 2 D02	1.2	1.2
Civil Division 3 D03	3	3
Civil Division 4 D04	1.2	1.2
Civil Division 5 D05	1	.80
Civil Division 6 D10	1	1
Civil Division 7 D11	1	1
Juvenile Court D06	6.5	6.5
County Division 1 D07	2	2
County Division 2 D08	2	2.8
County Division 3 D09	2.2	2.4
County Division 4 D12	1.2	1.4

The Caseload Allocation Plan, as approved, will transfer a Magistrate from Criminal Division to the County Division; furthermore, .20 judicial officers from Civil Division Room 5 will be utilized in County Division Room 4 in Hammond.

The Magistrate transferred from the Criminal Division will be utilized in the County Division in the following manner: 80% of the judicial officer's time will be spent

assisting County Division Room 2 and the other 20% will be spent assisting County Division Room 3, both of which are located in Crown Point.

III. Random Filing

The 2009 Plan calls for the most extensive use of random filing in Lake County history. Civil cases are to be filed as follows:

1. Random filing of PL, CT, MF, and MI cases in the Circuit Court and the Civil Division, Rooms 1, 2, 4, 5, 6 and 7. Random filing of MI and MF cases will begin on January 1, 2009; random filing of CT and PL cases will begin upon implementation of electronic filing of those case types in all Circuit/Civil Division courts in Lake County. Implementation of electronic filing is expected to begin in the Circuit and Civil Division Courts in Crown Point during the fall 2008 and the Civil Division Courts located in Gary, Hammond and East Chicago very early in 2009.
2. Random filing of CC and PO cases in the Circuit/Civil Division Courts by court location. With respect to PO cases in Crown Point, the Circuit Court will hear all cases where there is a pending or concluded DR case in the Circuit Court. All other PO cases shall be randomly filed between the Circuit Court and Civil Division Courts.
3. No change is to be made in the assignment of DR cases. These are currently filed in the Circuit Court and Civil Division, Room 3 located in Gary.

IV. Impact of the Judicial Reallocation and Random Filing

The projected utilization figures for the Lake Superior and Circuit Courts are portrayed below in Table 2. The Courts with the highest utilization figure under this plan will be County Division 3 and 4, with a projected utilization figure of 1.33. The Court with the lowest projected utilization figure is Criminal Division Room 2 at .94. This difference meets the requirements of Administrative Rule 1(E).

TABLE 2

COURT	CURRENT UTILIZATION	2009 PROJECTED UTILIZATION
Criminal Division 1 G01	.91	.99
Criminal Division 2 G02	.76	.94
Criminal Division 3 G03	.77	.95
Criminal Division 4 G04	.79	.99
Circuit Court C01	1.22	1.07
Civil Division 1 D01	.74	.99
Civil Division 2 D02	1.02	1.00
Civil Division 3 D03	1.15	1.08
Civil Division 4 D04	.84	.97
Civil Division 5 D05	.48	1.12
Civil Division 6 D10	1.10	1.00
Civil Division 7 D11	.97	.99
Juvenile Court D06	.98	.99
County Division 1 D07	1.20	1.32
County Division 2 D08	1.83	1.26
County Division 3 D09	1.51	1.33
County Division 4 D12	1.55	1.33
	CURRENT UTILIZATION DIFFERENCE	PROJECTED. UTILIZATION DIFFERENCE
	<u>1.35</u>	<u>.39</u>

As noted, the proposed Plan meets the utilization requirement of Admin. Rule 1(E). The Court acknowledges, however, that the utilization for each County Division Court is nevertheless higher than the courts in the other Divisions where the utilization is nearly identical and very close to the ideal of one judge handling one caseload.

In the view of the Court, there are two factors that warrant some disparity in treatment. First, over 9,900 Lake County OV and IF cases were paid online by the public in 2007 utilizing the Court's website set up for this purpose. These cases are reflected in the County Division utilization numbers but do not require any judicial time. Thus far in 2008, over 4,500 such cases have been disposed of in this manner. This puts Lake County on track to dispose of nearly 11,000 such cases in 2008, representing a caseload of approximately .25.

Secondly, the County Division Courts are staffed at a level to handle its high volume caseload. Each Court is authorized to directly employ 24 full time administrative, clerical and probation employees, as well as up to 8 part time public defenders to effectively and efficiently dispose of its cases.

V. Divisional Equalization

The Court's focus for the 2009 Plan was not only to meet the Administrative Rule, but also equalize the distribution of cases within each division of the Court. The following steps were taken in addition to random filing of certain civil cases to meet this goal. Table 3 reflects the impact of the equalization attempt.

1. Random file MC cases in the Criminal Division.
2. Transfer 10 non-CHINS AD cases from the Juvenile Court into the Circuit Court and each Civil Division Court.
3. Increase by 500 CM cases the caseload in County Division 1 in Crown Point.

The CM cases being directed into County Division 1 will lower utilization figures in County Divisions 2 and 3 while bringing the County Division 1 utilization figure closer to the other courts in the County Division.

TABLE 3

CRIMINAL DIVISION	CURRENT UTILIZATION	2009 PROJECTED UTILIZATION
Criminal Division 1 G01	.91	.99
Criminal Division 2 G02	.76	.94
Criminal Division 3 G03	.77	.95
Criminal Division 4 G04	.79	.99
INTRADIVISION DIFFERENCE	.15	.05

CIVIL DIVISION	CURRENT UTILIZATION	2009 PROJECTED UTILIZATION
Circuit Court C01	1.22	1.07
Civil Division 1 D01	.74	.99
Civil Division 2 D02	1.02	1.00
Civil Division 3 D03	1.15	1.08
Civil Division 4 D04	.84	.97
Civil Division 5 D05	.48	1.12
Civil Division 6 D10	1.10	1.00
Civil Division 7 D11	.97	.99
INTRADIVISION DIFFERENCE	.74	.15

COUNTY DIVISION	CURRENT UTILIZATION	2009 PROJECTED UTILIZATION
County Division 1 D07	1.20	1.32
County Division 2 D08	1.83	1.26
County Division 3 D09	1.51	1.33
County Division 4 D12	1.55	1.33
INTRADIVISION DIFFERENCE	.63	.07

V. Implementation

The Court has and will continue to work closely with the County Clerk and other officials to address the various issues surrounding random filing in the Civil Division and the redirection of cases in the County Division. To insure the success of random filing, the Court will take an active role by specifically ordering that the details of this plan be

followed and that the Clerk staff in each location be properly trained and aware of the new filing procedures.

Attachment 1 provides a breakdown of the changes outlined in this order and an accurate representation of the 2009 estimated utilization figures.

IT IS THEREFORE ORDERED that the Lake County Superior and Circuit Courts adopt the 2009 Caseload Allocation Plan.

DATED: _____

FOR THE SUPERIOR COURT

FOR THE CIRCUIT COURT

HONORABLE JOHN R. PERA

HONORABLE LORENZO ARREDONDO